

# In the Court of Appeals of the State of Alaska

<b>Sherrie Ina Wilson,</b>	)	
	)	Court of Appeals No. <b>A-13397</b>
Appellant,	)	
v.	)	<b>Order</b>
	)	Late Notice of Appeal
<b>State of Alaska,</b>	)	
	)	
Appellee.	)	Date of Order: <b>3/21/19</b>
	)	
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Trial Court Case # <b>3AN-09-04793CR</b>		

Sherrie I. Wilson recently asked this Court to permit her to file an appeal that is nearly eight years late. Ms. Wilson was convicted of second-degree murder. The judgment against Ms. Wilson was distributed on May 3, 2011. Under the appellate rules, Ms. Wilson had until June 2, 2011 to file her notice of appeal. *See* Alaska Appellate Rule 204(a)(1). Ms. Wilson filed her request on March 18, 2019.

Ms. Wilson makes several allegations in her pleadings about why she wishes to appeal her conviction. But she only raises one possible justification explaining why she should be allowed to file an appeal that is nearly eight years late — she asserts that her trial attorney, six months before her trial, “denied [her] appeal rights[.]”

Generally, this Court has no authority to hear an appeal that is filed more than 90 days after the distribution of the judgment (unless the defendant has earlier filed a timely motion to extend the filing deadline). *See* Alaska Appellate Rule 521. That said, this Court has on occasion allowed the filing of appeals beyond the 90-day deadline, but the Court has done so only in cases there is uncontested evidence that the failure to file a timely appeal was caused by the defendant’s incompetent attorney. That

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is, the Court has accepted appeals filed after the 90-day deadline when the motion to accept those late-filed appeal are accompanied by the defendant's attorney's uncontested affidavit that the delay in filing was the fault of the attorney, not of the defendant.

Here, there is no evidence that the failure to file a timely appeal was caused by the incompetence of Ms. Wilson's attorney. For this reason, the request that this Court accept Ms. Wilson's late-filed appeal is **DENIED**.

Entered under the authority of Chief Judge Allard.

Clerk of the Appellate Courts

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Ryan Montgomery-Sythe, Chief Deputy Clerk

cc: Douglas Moody, PD  
Tamara de Lucia, OCA

Distribution:

Sherrie Wilson  
Hiland Mt. Correctional Center  
9101 Hesterberg Road  
Eagle River AK 99577